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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,169

03/26/2007

Johannes Schopf

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EXAMINER

AMBAYE, MEWALE A

ART UNIT

PAPER NUMBER

4124

MAIL DATE

DELIVERY MODE

02/13/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,169	<b>Applicant(s)</b> SCHOPF, JOHANNES	
	<b>Examiner</b> MEWALE AMBAYE	<b>Art Unit</b> 4124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 10-18 is/are allowed.
- 6) ☐ Claim(s) 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/23/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Claims 10-20 are pending.

***Oath/Declaration***

2. The oath/Declaration filed on 03/26/2007 is accepted by the examiner.

***Priority***

3. Acknowledgment is made of applicant's claims for foreign priority under 35 U.S.C. 119(a)-(d).

***Information Disclosure Statement***

4. The information disclosure statement filed on 03/23/2006 is in compliance with 37 CFR 1.97. Accordingly, the information discloser statement is being considered by the examiner.

***Drawings***

5. The drawing filed on 03/23/2006 is accepted by the examiner.

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

the prior art of records fails to teach neither singly nor in combination, the claim

limitations of " wherein the predicted traffic volume is calculated via the formula:

$$VMP(t+T) = VM(t) - OF + (VM(t)-VM(t-T))- TF$$

wherein

t corresponds to a time,

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T is a measuring time period,

VM(t) is a current traffic volume at the point in time t,

VM(t-T) is a preceding traffic volume at the point in time t-T,

VMP(t+T) is a predicted traffic volume for the point in time t+T,

UF is an overbooking factor, and

TF is a trend factor". Thus,

6. Independent Claim **10** and dependents claims **11-18** are allowable.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim **19** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims **20** is rejected under 35 U.S.C. 102(b) as being anticipated by McKinnon et al (hereinafter referred as McKinnon) US Patent No. 7,274,667.

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10. **As per claim 10:** Media Gateway (*Router 48*), characterized in that it includes the means for receiving a predicted traffic volume as well as the means for reserving the resources in the packet data network (*Internet*) corresponding to a predicted traffic volume (*See Col 6 line 65 through Col 7 line 14; Col 9, lines 16-23 & lines 58-61. & 48, 86 FIG. 2*).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mewale Ambaye whose telephone number is (571) 270-7634. The examiner can normally be reached on M - F, 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reach on (571) 272-3155. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from their Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)?

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (In USA or Canada) or 571-272-1000.

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/M. A./

Examiner, Art Unit 4124

*/HUY VU/*

*Supervisory Patent Examiner, Art Unit 2416*